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# The Role of Legal Policy in the Management and Protection of Natural Resources in Indonesia

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**Abstract**: Management and protection of natural resources (SDA) in Indonesia face major challenges, especially related to environmental degradation due to unsustainable exploitation. Legal policy plays an important role as a basis for regulating the use of SDA, environmental protection, and law enforcement against violations. Although Indonesia has various laws and regulations governing the management of SDA, such as the Forestry Law, Mineral and Coal, and environmental protection, their implementation is still hampered by weak supervision, coordination between institutions, and conflicts of interest between economic development and environmental conservation. This study uses a qualitative approach with descriptive analysis through literature studies, interviews, and field observations to identify the role of legal policy in the management of SDA and the factors that influence the sustainability of ecosystems in Indonesia. The results of the study indicate that effective legal policy must be able to balance economic interests and environmental conservation with clear regulations, strict supervision, and synergy between related institutions. Thus, legal policy can be a strategic instrument in realizing sustainable management of SDA and optimal environmental protection in Indonesia.

**Keywords** : Legal Policy;Management;Natural Resources

## 1. Introduction

Natural resource management (SDA) in Indonesia plays an important role in supporting national development and community welfare. As an archipelagic country with extraordinary biodiversity. Indonesia has great potential in various sectors such as mining, forestry, fisheries, and energy. However, unsustainable utilization of natural resources has caused various serious environmental problems, including deforestation, land degradation, water and air pollution, and loss of biodiversity. Therefore, legal policies in effective and sustainable natural resource management are an urgent need for Indonesian society.

The role of legal policy in natural resource management is crucial to ensure that the use of natural resources is carried out wisely and does not damage the environment . Good legal policy can be the basis for regulating the use of natural resources, environmental protection, and law enforcement against violations. In Indonesia, various laws and regulations have been drafted to regulate the management of natural resources, ranging from the Forestry Law, the Mineral and Coal Law, to regulations regarding environmental protection. However, the implementation of this legal policy often encounters various obstacles that hinder the achievement of ecosystem sustainability

Legal policies for natural resource management must also pay attention to environmental justice, ensuring a fair distribution of benefits and burdens among community groups, and protecting workers' rights and community access to natural resources. Climate change also affects natural resource management in Indonesia, with impacts such as rising temperatures and natural disasters. Legal policies need to be responsive to climate change by integrating

adaptation and mitigation strategies, such as renewable energy development, forest conservation, and sustainable water management

Overall, the role of legal policy in natural resource management for ecosystem sustainability in Indonesia is fundamental. Effective legal policy can guide sustainable natural resource utilization, protect the environment, and support inclusive economic development. However, challenges in implementation, coordination between institutions, and community participation need to be overcome to achieve these goals. Therefore, this study aims to examine in depth the role of legal policy in natural resource management in Indonesia, as well as provide recommendations to improve the effectiveness of policies in supporting national ecosystem sustainability.[1]

## 2. Research Methode

The research method used in this study is the literature review method. Literature review is carried out by examining various literatures needed in the study. The method of collecting research data through literature studies to obtain data in the field without having to go directly. The data used in this study are secondary data obtained from previous journals. The data analysis technique uses qualitative descriptive analysis. Qualitative descriptive is a data analysis technique with the stages of collecting, organizing, reading, reviewing and presenting the results of the analysis in the form of descriptive sentences. This method is one of the scientific principles in research.

## 3. Discussion

Indonesia is a country rich in natural resources (SDA), both renewable such as tropical forests, seas, and biodiversity, as well as non-renewable such as minerals and fossil energy. This wealth makes Indonesia have an important role in the global economy. However, this great potential is often not in line with sustainable management efforts. Environmental degradation caused by deforestation, coastal ecosystem damage, and water pollution are major problems that must be faced. One of the main causes of this problem is the imbalance between economic development driven by the exploitation of natural resources and environmental protection.[2]

In the context of natural resource management, the source of legal policy is the provisions of Article 33 of the 1945 Constitution concerning the National Economy. From this provision, an organic law was then made as an implementing regulation of Article 33 of the 1945 Constitution. In addition to the provisions in Article 33 of the 1945 Constitution, the legal policy of natural resource management is also reflected in the decisions of the Constitutional Court. This is because the birth of the Constitutional Court aims to guard the constitution, especially to ensure that there are no laws that violate the Constitution. In addition, the form of constitutional guarding carried out by the Constitutional Court is by providing an interpretation of the constitution because the Constitutional Court, in addition to having the authority as regulated in Article 24C of the 1945 Constitution, also has a function that is a derivative of its

[1] Asry, at al. Ines, "Peran Kebijakan Hukum Dalam Pengelolaan Sumber Daya Alam Untuk Keberlanjutan Ekosistem Di Indonesia", Jurnal Kolaboratif Sains 8, no. 1 (2025): 680-690 https://doi.org/10.56338/jks.v8i1.6861

[2] Ines.

authority. One of the functions of the Constitutional Court is as an interpreter of the constitution (The Final Interpreter of The Constitution). Therefore, it has become a necessity that the decisions of the Constitutional Court regarding natural resource management become legal policies that must be used as guidelines for lawmakers in the national legislative process.[3]

### 3.1 legal policy for natural resource management according to article 33 of the 1945 Constitution

In the practice of public administration in various countries, natural resource management is part of the economic policy enshrined in their respective constitutions. However, countries with a liberal-capitalist character and common law tradition, such as America, England, Australia, and Canada, generally do not include provisions on the basics of economic policy in their constitutions. Because economic issues are considered the domain of the market, subject to market mechanisms, these issues do not require strict government regulation. This paradigm and perspective undoubtedly have a strong influence on the design of the constitution. Furthermore, countries that adhere to the common law tradition generally do not have a written constitution – not in the literal sense, but the constitution is not set out in a basic law. At the same time, the foundation of our national economic policy is outlined in Article 33 of the 1945 Constitution, which emphasizes that:

(1) the economy is organized as a collective endeavor rooted in the spirit of kinship;
(2) key sectors vital to the nation and the people's welfare are under state control;
(3) land, water, and natural resources are managed by the state to maximize public prosperity;
(4) the economy is guided by the principles of economic democracy—highlighting unity, fairness, sustainability, environmental responsibility, and independence.
(5) the detailed implementation of these provisions is governed by law. Article 33 signifies the state's obligation to actively promote social welfare.

.[4] Moreover Article 33 of the 1945 Constitution remained unchanged during the constitutional reform period between 1999 and 2002, despite efforts to amend it due to perceptions that it no longer aligned with contemporary developments. However, proposed changes were not implemented due to differing viewpoints and extended debates during the BP MPR sessions. Ultimately, the forum decided to retain the original provisions of Article 33 paragraph (1), paragraph (2), and paragraph (3) would not be changed. One of the reasons why Article 33 paragraph (1), paragraph (2), and paragraph (3) were not changed was because this article was considered a monumental work produced by the founding fathers. It was Muhammad Hatta, one of the founding fathers and also the initiator of Article 33 of the 1945 Constitution. He stated that the birth of Article 33 of the 1945 Constitution was motivated by the spirit of collectivity based on the spirit of mutual assistance. The implications of the spirit of collectivity based on the spirit of mutual assistance brought several consequences, namely: (i) control of economic sectors is carried out in the form of cooperatives. (ii) economic development planning is needed to meet the basic needs of society such as education, housing and food carried out by the economic strategy think tank (Planning Board). (iii) carrying out international cooperation in order to realize world welfare. The word "cooperative" in Article 33 paragraph

[3] Irfan Nur Rachman, "Politik Hukum Pengelolaan Sumber Daya Alam Menurut Pasal 33 UUD 1945 ," Jurnal Konstitusi 3, no. 1 (2016): 195, doi:10.31078/jk1319.
[4] Rachman

(1) of the 1945 Constitution also needs to be understood as a "verb" (process), namely the spirit of mutual assistance, the spirit of family that always seeks mutual benefit, social solidarity that is oriented towards "weights are shouldered together, light weights are carried together". In this sense, Muhammad Hatta and also Sjahrir, said that state-owned enterprises and even private companies must have a cooperative spirit. Thus, even though the state controls the economic field that controls the livelihoods of many people, the nature of cooperatives in their management must consider the greatest possible benefits for the prosperity of the people.

In the amendments to the 1945 Constitution that occurred in the period 1999-2002, Article 33 was then refined by adding two new verses, so that it became five verses. And because of Article 33 of the 1945 Constitution, the 1945 Constitution is also called the economic constitution.

This clarification was made to minimize the risk of misinterpretation. Article 33 paragraph (1) of the 1945 Constitution, which emphasizes the principle of kinship, has the potential to be misunderstood or misapplied in practice. Therefore, it needs to be complemented by the principle of togetherness outlined in paragraph (4) of the same article. With this addition, the principle of kinship in paragraph (1) should be interpreted more broadly—not limited to a rigid, organic concept where economic actors must solely operate as cooperatives in a narrow business sense. Furthermore, the principle of togetherness helps ensure that the concept of kinship is not distorted or trivialized, such as being linked to a 'family system' with negative implications.[5] This, it is clear that constitutionally the Indonesian state adheres to a dynamic legal state system or a welfare state which in achieving its goals demands consequences for the large role of the state.[6]

### 3. 2 Environmental Law Principles in Managing Natural Resources

As an archipelagic country with extraordinary biodiversity, Indonesia faces major challenges in managing and protecting its environment. Environmental law aims to regulate various aspects related to the utilization of natural resources, prevention of pollution, and conservation of biodiversity. The importance of this environmental law principle is increasingly felt in facing various threats, such as deforestation, water and air pollution, and climate change that can have a negative impact on human life and ecosystems. The form of principle in environmental law is the precautionary principle in environmental law in Indonesia emphasizes the importance of preventive measures against potential negative impacts on the environment. This principle requires every activity or business that has the potential to cause environmental impacts to first go through a strict assessment and evaluation process. This includes the Environmental Impact Analysis (AMDAL) which is an important instrument in ensuring that every planned activity that has the potential for a major impact on the environment must be thoroughly evaluated. This principle aims to prevent environmental damage before it occurs, by minimizing risks through appropriate precautions. In addition, this precautionary principle

[5] Rachman.
[6] Rachman.

also requires business actors to adopt environmentally friendly technologies and best practices in their operations, in order to reduce the potential for pollution and environmental damage.[7] Basic Principles of Environmental Law The basic principles of environmental law provide the foundation for designing and implementing effective policies for the conservation of natural resources. Some of the main principles that are relevant are:

1. Precautionary Principle: This principle emphasizes the importance of taking precautions in the face of scientific uncertainty. This means that where there is a potential risk of serious or irreversible environmental damage, scientific uncertainty should not be used as a reason to postpone preventive action.
2. Polluter Pays Principle: This principle states that those who cause pollution or environmental damage should bear the costs of remediation and mitigation of the negative impacts. This encourages business actors to take responsibility for the environmental impacts of their activities.
3. Sustainable Development Principle: This principle integrates the need for economic development with environmental protection. The aim is to meet the needs of the present generation without compromising the ability of future generations to meet their own needs.
4. Intergenerational Equity Principle: This principle emphasizes that natural resources should be managed in such a way that the well-being and quality of life of future generations are not threatened by the decisions and actions taken by the current generation.[8]

### 3.3 government policy in managing natural resources

Significant obstacles hinder the enforcement of environmental law in Indonesia, particularly those related to natural resource management regulations. This management includes aspects of exploitation and management, particularly in the fields of plantations, forestry, mineral and coal mining, and oil and natural gas extraction. When these industries are used to drive economic growth, environmental issues often arise. In an effort to address these issues, MPR Decree Number 2. IX/MPR/2001 concerning agrarian reform and natural resource management was issued; however, its implementation is still in its early stages. Integrity and transparency in management are essential for better environmental and natural resource management. Licensing procedures, which can serve as preventive measures in enforcing environmental regulations, are the starting point for transparency. The following are some natural resource management policies implemented by the government:

1. Government Fisheries Management Policy:

   Marine conservation areas are protected, fishing quotas are set, and fishing gear that damages the marine environment is intercepted. In addition, this regulation also clarifies ecosystem-based management. However, obstacles such as complicated regulations, lack of institutional resources, and resistance from parties involved in the fishing business often arise in its implementation. Increasing organizational capacity, fostering more cooperation

[7] Manik, Josua Ignatius, and M Irfan Islami Rambe, "Implementasi Prinsip-Prinsip Hukum Lingkungan Dalam Pengelolaan Sumber Daya Alam Di Indonesia", INNOVATIVE: Journal Of Social Science Research 4, no. 4 (2024):8220-8229 https://doi.org/10.31004/innovative.v4i4.14099

[8] Muhammad Hery, "Peran Hukum Lingkungan Dalam Pelestarian Sumber Daya Alam". Tugas Mahasiswa Fakultas Hukum 1, no.3 (2024).

between government agencies, and involving communities in the decision-making process are some of the solutions that can be done.

2. Government Policy on Plantation Sector Management:

Nagara (2017) argues that Law Number 39 of 2014 contains violations that are subject to administrative sanctions as outlined in Article 19.6. Administrative sanctions can be applied to five different actions: granting rights to plantation land, protecting community land rights, and refusing to direct the growth of community agriculture. Revocation of plantation permits, fines, and/or temporary business activity permits are examples of actions that are subject to sanctions.

3. Government Policy in Mining Management: Ismi (2014) found an important difference between mining rights and land rights. The ability to mine underground resources does not eliminate a person's rights to the land above it. A number of provisions of the UUPA that regulate temporary and permanent rights to land regulate mining policies. Mining business permits are issued in the form of IUP, IPR, or IUPK.[9]

## 4. Conclusion

Natural resource management in Indonesia is also based on the constitutional mandate in Article 33 of the 1945 Constitution which is the spirit of the country's economy and legal politics. Unlike liberal capitalist countries that rely on market mechanisms, Indonesia adopts a welfare state approach, in which the state plays a central and active role in regulating and utilizing natural resources for the greatest prosperity of the people. The inclusion of these provisions is a manifestation of the values of broader economic democracy, mutual cooperation, and social justice instilled by the nation's founders, including Muhammad Hatta, who believed that state control over key sectors and natural resources was non-negotiable.

These natural laws are guided by solid environmental legal principles, which state the normative mandate of natural resource management, which guarantees sustainability, equity, and responsibility in its management. These principles include the precautionary principle, polluter pays, sustainable development, intergenerational justice, etc., as legal standards, ethical imperatives, and guiding principles for policy and law enforcement.

Although the constitutional and legal foundations have been well laid out, challenges related to implementation remain with regulatory complexity, institutional limitations, and trade-offs between high economic returns and environmental sustainability. Various government policies and initiatives in sectors such as fisheries, plantations, and mining demonstrate efforts to operationalize these principles, but a number of obstacles remain in the form of non-transparent processes, poor coordination between institutions, and conflicts of interest. Thus, the implementation of the ideals of Article 33 and sustainable natural resource management in Indonesia must encourage strengthened law enforcement, institutional synergy, participatory governance, and nature must be positioned as a guiding principle to optimize every level of policymaking and implementation. Indonesia's natural wealth cannot be secured for present and future generations without concerted and consistent efforts to manage it as a shared heritage.

[9] Purba, Bonaraja, and at al, "Kebijakan Pemerintah Dalam Pengelolaan Sumber Daya Alam: Studi Kasus Indonesia ," *Economic Reviews Journal* 3, no. 3 (2024), doi:10.56709/mrj.v3i3.316.

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